

REMARKS

In the outstanding Office Action, the Examiner has objected to the length of the Abstract, rejected the dependent claims as being indefinite based on the wording of their respective preambles and further rejected claim 22 as lacking antecedent basis for "said upper surface." In response, Applicant has amended the various dependent claims as suggested by the Examiner, shortened the Abstract and amended claim 22 to recite "an upper surface." Accordingly, the Examiner's objections and rejections under 35 USC 112(2) have been overcome and notice to that effect is earnestly solicited.

The Examiner also has rejected claims 1-36 as being anticipated by and/or made obvious over various references. As set forth below, the pending claims, as now amended, are allowable.

Claims 1-15:

The Examiner rejected claims 1 and 2 as being anticipated by French Patent No. 1,282,874. Claim 1, as now amended, recites the limitations of claim 2, and further recites that "a work surface [is] supported on said first, second and *third* support platforms." The '874 patent fails to disclose that the third support (7), as applied by the Examiner, supports the work surface 14, and there is no suggestion to elevate the support 7 to the level of the work surface 14. Accordingly, the '874 patent fails to disclose or suggest all of the limitations of claim 1, and claims 1-15 are therefore patentable.

Claims 16-22:

The Examiner rejected independent claim 16 as being obvious over U.S. Patent No. 2,730,419 to Watrous in view of U.S. Patent No. 4,974,913 to Vogt. As amended, independent claim 16 recites a "substantially flat" mounting portion. In contrast, Vogt discloses that the clamp 25 has a *circular* cross section (*see* Figure 1), which is insertable in a support pipe 7 having a "circular cross section" (Col. 5, lines 17-29). Accordingly, Watrous and Vogt, even if combined, fail to disclose all of the limitations of claim 16 and the Examiner's rejection should be withdrawn.

Moreover, and contrary to the Examiner's assertions, Applicant also respectfully submits that there is no suggestion to install the rail accessory 26 and the *circular* mounting portion 25 of Vogt between a surface of the platform 10 and the plate 22, 48 disclosed by Watrous. In particular, there is no corresponding structure in Watrous to support a circular clamp structure – rather the surface of platform 10 and support structure 22, 48 in Watrous are flat. Accordingly, even if clamped between the surfaces of Watrous, the clamp 25 and frame 26 of Vogt would tend to rotate and not be tightly held.

Conversely, there is no suggestion to make the mounting structure 25 of Vogt flat, since Vogt discloses that the mounting structure is received in a circular tubular structure 7 as explained above. For all of these reasons, claim 16, and claims 17-22 depending therefrom, are patentable.

Claims 23-29, 35-36, 55 and 56:

The Examiner rejected independent claims 23 and 35 as being obvious over U.S. Patent No. 6,213,191 to Nitzsche. As amended, independent claims 23 and 35 each recite a sheet material web comprising a first edge portion connected to a pole and a second edge portion comprising "*a free edge free of any connection to said pole.*" In contrast, Nitzsche discloses that the frame 40 includes top, bottom, and middle members 42, 44, 46, 48 that "surround" the cover 72 (Figures 1-3; Col. 3, lines 56-67). Accordingly, Nitzsche fails to disclose all of the recitations of claims 23 and 35 and the Examiner's rejections should be withdrawn.

In addition, there is no suggestion to modify Nitzsche to provide a free edge not connected to the frame. In particular, Nitzsche emphasizes the importance of the frame in providing "stretch" to the cover (Col. 4, lines 1-16), and of returning the frame to its original shape (Col. 6, lines 29-34). In addition, Nitzsche further discloses the importance of the screen being "vertically repositionable within the mounting assembly to increase or decrease the extent to which the screen is positioned above and below the worksurface" (Col. 6, lines 12-16). In contrast, the free edge of Applicant's screen can be positioned in any number of positions not dictated by an associated frame. For these reasons, claims 23 and 35, and claims 24-29, 36, 55 and 56, are patentable and notice to that effect is earnestly solicited.

Applicant further submits that Nitzsche fails to disclose or suggest “one end of said pole [being] received in [a] tubular socket of [a] fitting,” as recited in claim 28, or a screen having “at least a pair of ties spaced along and extending from said second edge,” as recited in new claims 55 and 56. Of course, the discussion of specific dependent claims should not be understood to mean that other dependent claims are not also patentable over the cited references for reasons not set forth herein.

Claims 30-34:

The Examiner rejected independent claim 30 as being obvious over the '874 patent in view of Vogt and Nitzsche, but then further refers to Watrous (Office Action at 7-8). Applicants are not certain as to what combination of references are being applied against claim 30. Clearly, the '874 patent, Vogt and Nitzsche, even if improperly combined, are completely missing “disposing a cap member on [a] second surface [of a worksurface], and clamping said mounting portion between said work surface and [a] support platform by connecting said cap member with said support platform,” as recited in claim 30.

In any event, claim 30 now recites clamping a “substantially flat” mounting portion between a work surface and a support platform. Accordingly, claim 30 is patentable over the combination of Vogt with either Watrous (as set forth above with respect to claim 16) or the '874 patent. As with Watrous, there is absolutely no teaching in the '874 patent as to how the circular clamp 25 of Vogt can be secured between the support member 13, 15 and the work surface 10 of the '874 patent (*see* Figure 1 of the '874 patent). Indeed, the '874 patent appears to disclose that the worksurface is simply fitted in the U-shaped ends formed by the members 13, 15. Conversely, as explained above, Vogt teaches against forming a substantially flat mounting portion.

For all of these reasons, claim 30, and claims 31-34 depending therefrom, are allowable and notice to that effect is earnestly solicited.

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Conclusion:


It is not believed that any additional fees are occasioned by this Amendment. If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Dated: _____

10/7/03

By: _____

Respectfully submitted,



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